

**REMARKS**

Claims 1-11, 13-15 and 17-20 are pending in this application. Claims 1-9, 19 and 20 are withdrawn from consideration. By this Amendment, claims 10, 11, 13-15, 17 and 18 are amended. No new matter is added by this Amendment. Support for the amendment to the preamble of claims 10 and 14 can be found on page 2, lines 13-15 of the specification.

Claims 10-11, 13-15 and 17-18 were previously rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 4,243,621 ("Mori") (and U.S. Patents Nos. 4,511,461 and 6,162,855 as evidence). This rejection is respectfully traversed.

Applicants have amended the claimed range of the mixing ratio of the metal silicon powder and the nonoxide powder to recite "A or more, but less than B." Applicants submit that this amendment clarifies that the range of the mixing ratio (X) is  $A \leq X < B$ . Applicants further submit that Mori does not teach or suggest that a mixing ratio of the metal silicon powder and the nonoxide ceramic powder is 5 parts or more, but less than 60 parts of the metal silicon powder with respect to 100 parts of a total amount of the nonoxide ceramic powder as recited in claim 10, or that the mixing ratio of the metal silicon powder and the nonoxide ceramic powder is 10 parts or more, but less than 100 parts of the metal silicon powder with respect to 100 parts of a total amount of the nonoxide ceramic powder as recited in claim 14.

Mori further does not teach or suggest a microporous ceramic material composed mainly of nonoxide ceramic as recited in claims 10 and 14. Mori instead teaches a material that must include a large amount of silica (an oxide). Moreover, Mori teaches the use of a small amount of fine silicon nitride powder in the range of 0.2 to 10 weight %. The range of silicon nitride powder as taught by Mori is substantially less than the nonoxide ceramic powder required in claims 10 and 14.

Further, Applicants submit that "consisting essentially of" in claims 10 and 14 excludes the silica powder of Mori. These claims recite a composition consisting essentially of a metal silicon powder and at least one nonoxide ceramic powder. Mori, however, teaches a composition that must include metal silicon powder and silica, and which may also contain silicon nitride. The silica powder taught by Mori is an oxide ceramic powder necessary to make the described  $\beta$ -sialon material.

Applicants further submit methods recited in claims 10-11, 13-15 and 17-18 generate microporous materials of nonoxide ceramics. Thus, the use of silica (an oxide ceramic powder) as required in Mori would clearly affect the basic and novel characteristics of such nonoxide ceramics. Therefore, Applicants submit that silica powder is clearly excluded from the main component used in the claimed methods.

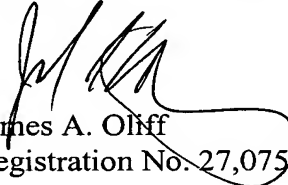
In the Advisory Action, the Patent Office alleged that a distinction between basic characteristics and novel characteristics. The term "basic and novel characteristics" is taken as a whole, and is not typically segregated into "basic characteristics" and/or "novel characteristics." The Advisory Action fails to explain how the acknowledged "basic characteristic" (as termed by the Patent Office) is not a novel characteristic. Properly understood, "basic and novel characteristics" refers generally to the key characteristics possessed by the claimed subject matter, and "consisting essentially of" language excludes non-recited subject matter that if included would materially affect such characteristics. See MPEP §2111.03. As discussed above, silica as required in Mori is clearly a material that affects the basic and novel characteristic of the mainly nonoxide ceramic made by the processes recited in each of the claims.

For the foregoing reasons, Applicants submit that Mori does not teach or suggest all of the features recited in claims 10-11, 13-15 and 17-18. Reconsideration and withdrawal of the rejection are thus respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-11, 13-15 and 17-20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

  
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